

Development Conditions

SE 2014-PR-040

Tyson's West Assemblage LLC

November 18, 2014

If it is the intent of the Board of Supervisors to approve Special Exception SE 2014-PR-040 located at 8500 Tyco Road (Tax Map No. 29-1 ((25)) 1 part) for a vehicle sales, rental, and ancillary service establishment pursuant to Sect. 9-501 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of the Special Exception conditions and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
4. This Special Exception (SE) is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this SE shall be in substantial conformance with the approved SE entitled GDP/SE 8599 Tyco Road, prepared by Vika Virginia LLC, revised through October 7, 2014 and these conditions. Minor modifications to the approved SE may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. The vehicle sales, rental, and ancillary service establishment use shall be limited to those establishments in which the vehicle manufacturer sells vehicles directly to consumers.
6. Approval of the SE in no way grants approval to any sign depicted on the GDP/SE Plat. All signs shall comply with all applicable provisions of Article 12, Signs, of the Zoning Ordinance.
7. The vehicle sales, rental, and ancillary service establishment shall comply with all applicable provisions of Article 14, Performance Standards, of the Zoning Ordinance.

8. The area devoted to vehicle storage and display shall be limited to that area so designated on the GDP/SE Plat. The outdoor storage of non-operational vehicles shall be prohibited.
9. Prior to the issuance of the Non-Residential Use Permit, restriping shall be completed to comply with handicap parking requirements and to delineate parking and loading areas as shown on the GDP/SE Plat.
10. The applicant shall control, through signage or other means, the use of the parking spaces (shown on Sheet C-7 of the GDP/SE Plat as the shaded parking spaces depicted within the proposed path of delivery trucks) so that any vehicles utilizing those spaces can be accessed and moved to facilitate unloading operations. Such means could include designating said parking spaces for employees only and ensuring that such spaces are empty during scheduled deliveries. No loading or unloading shall be permitted along Tyco Road or within the interparcel connection between the subject property and Tax Map Parcel 29-1 ((1)) 22A.
11. No later than six (6) months from the date of approval of this special exception, the Applicant shall modify the building façade in substantial conformance with the elevations on Sheets A-1 and A-2 of the SE Plat. The Applicant shall have the ability to modify the building materials and colors at time of final design, provided the façade is in substantial conformance with Sheets A-1 and A-2.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special exception shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with abrogate or amend any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.